

facts showing that there is a genuine issue for trial[; if] the adverse party does not so respond, summary judgment, if appropriate, shall be entered against the adverse party.”); see also, e.g., Allied Colloids Inc. v. Am. Cyanamid Co., 64 F.3d 1570, 1575 (Fed. Cir. 1995) (noting that burden of production with respect to affirmative defense such as invalidity is on defendant), it is hereby ORDERED that:

1. The motion for partial summary judgment (Doc. 73) is GRANTED in favor of plaintiffs and against defendant on the counterclaims and affirmative defenses relating to:
 - a. the alleged invalidity of claims 8 and 9 of United States Patent No. 6,494,714 under any theory;
 - b. the alleged invalidity of claims 1, 2, 7, 8, and 9 of United States Patent No. 6,494,714 under 35 U.S.C. §§ 102 and 112; and
 - c. the alleged unenforceability of claims 1, 2, 7, 8, and 9 of United States Patent No. 6,494,714 under any theory.
2. The Clerk of Court is directed to defer the entry of judgment until the conclusion of the case.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge